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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 DOUGLAS J. BOLLEFER,

8 Plaintiff,

9 v.

10 COMMISSIONER OF SOCIAL SECURITY,

11 Defendant.

CASE NO. C19-1856-BAT

**ORDER TO SHOW CAUSE  
REGARDING SENTENCE SIX  
REMAND**

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13 On further examination of the parties' assertions, the Court *sua sponte* **ORDERS** the  
14 Commissioner to show cause by **April 24, 2020**, why this case should not be remanded to  
15 consider new, material evidence under sentence six, 42 U.S.C. § 405(g). For this reason, the  
16 Court also **RENOTES** *pro se* plaintiff's motion to amend the briefing schedule, Dkt. 21, to  
17 **April 24, 2020**. Plaintiff is directed to file with the Court the documents labeled Dockets 054108  
18 and 054109 by **April 24, 2020** and may, but is not required to, address the order to show cause  
19 within his optional reply on his motion to amend the briefing schedule.

20 Plaintiff alleged that he mailed two documents identified as Dockets 054108 and  
21 054109—so-labeled because they were part of a state unemployment benefits action—and that  
22 those documents should have been part of the administrative record alongside Docket 054107.  
23 Dkt. 14; *see* Tr. 14–16 (Docket 054107). Although the Commissioner responded that there was

1 no proof that Dockets 054108 and 054109 had ever been received, plaintiff cited photo scans of  
2 the first pages of Dockets 054108 and 054109 that currently exist in the administrative record,  
3 Dkt. 18, at 5–6; *see* Tr. 437–47, and noted that those documents had been submitted as a three-  
4 document bundle with Docket 054107, which is reprinted in full and labeled as claimant-  
5 supplied evidence in the administrative record, Dkt. 14, at 2–3; *see* Tr. 10–13. Plaintiff asserted  
6 that Dockets 054108 and 054109 are relevant to the question of alleged onset date. Dkt. 18, at 5.  
7 Although the ALJ’s partially favorable decision found plaintiff disabled as of May 2016, Tr. 31,  
8 plaintiff alleged that Dockets 054108 and 054109 support his alleged onset date in July 2013.  
9 Dkt. 18, at 5.

10 Sentence-six remands may be ordered where new, material evidence is adduced that was  
11 for good cause not presented before the agency. 42 U.S.C. § 405(g); *Akopyan v. Barnhart*, 296  
12 F.3d 852, 854 (9th Cir. 2002). The Court finds that plaintiff has demonstrated good cause for  
13 remanding for the Commissioner to consider for the first time Dockets 054108 and 054109: the  
14 agency appears to have received the documents but lost them. The Court finds that this evidence  
15 is material based on plaintiff’s undisputed assertion that Dockets 054108 and 054109 support an  
16 onset of disabling symptoms as early as 2013. The Court will therefore remand this case under  
17 sentence six for the Commissioner to include in the administrative record and to consider  
18 Dockets 054108 and 054109 unless the Commissioner can suggest another way this evidence can  
19 be properly considered by the Court.

20 The Court **ORDERS** the Commissioner to show cause by **April 24, 2020**, why this  
21 matter should not be remanded under sentence six of 42 U.S.C. § 405(g) so the documents  
22 labeled Dockets 054108 and 054109 can be included in the administrative record and reviewed  
23 before the matter returns (if at all) for consideration by this Court. Given the Commissioner’s

1 assertion that the documents cannot be located, plaintiff is directed to submit Dockets 054108  
2 and 054109 to the Court by **April 24, 2020**. The Court **RENOTES** plaintiff's motion to amend  
3 the briefing schedule to **April 24, 2020**, because it may be mooted, i.e., rendered unnecessary, by  
4 the sentence-six remand.

5 DATED this 10th day of April, 2020.

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8 BRIAN A. TSUCHIDA  
9 Chief United States Magistrate Judge  
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